

Appl. No.: 10/524,710

Amdt. Dated September 21, 2006

Response to Office Action Mailed June 23, 2006

**REMARKS:**

Applicant appreciates the time and care the examiner has taken in examining the application. Applicant acknowledges the comments provided in the Advisory Action mailed September 6, 2006, and appreciates the examiner's clarification of the rejections in the final Office action.

**On the Amendments.** It is noted that the examiner did not indicate in the Advisory Action whether the proposed amendments in the Response to Final Office action have been entered. Therefore, the attached amendments are made relative to the claims as previously pending, namely, as of the entry of the amendments in the Response to Office Action filed on April 21, 2006. Please do not enter the amendments in the Response to Final Office Action.

**On the Rejections.** Applicant respectfully traverses and requests reconsideration of both of the rejections of the claims under Section 102(b), and states the following in support.

With respect to the rejections, it is noted that amended independent claim 1 recites in pertinent part that the driver structure comprises (emphasis added):

second projecting *parts* provided on the blade edge *in vicinity of the first projecting parts* and configured to be *in contact with the crown in vicinity of the pair of leg portions* when the pair of leg portions pass through the bundle of papers,

wherein each of the second projecting *parts* has a *corner portion disposed adjacent to the corner of the staple which engages with the crown* and is configured to *prevent the corners of the leg portions from slipping toward a central side of the crown.*

The first projecting parts are denoted as parts 7, 7 in Figs. 1-3 and as parts 12, 12 in Fig. 4. There is a set of two of these first projecting parts (7, 7 or 12, 12), disposed to be in contact with each staple corner that is formed between the crown 6 and each of the leg portions 4, 4 for pressing the pair of leg portions 4, 4 perpendicularly (*See* Figs. 1-4). The second projecting parts are denoted as parts 8, 8 in Figs. 1-3 and as parts 13, 13 in Fig. 4. This set of second projecting parts (8, 8 or 13, 13) is provided on the blade edge 2 in the vicinity of the set of first projecting parts (7, 7 or 12, 12), and each of the second projecting parts (8, 8 or 13, 13) is configured to be in contact with the crown 6 in vicinity of the pair of leg portions 4, 4. (*See* Figs. 1-4). Each of the two second projecting parts (8, 8 or 13, 13) has a corner portion *disposed adjacent to the corner of the staple*, that engages with the crown 6 and is configured to prevent the corner of the leg portion 4 from slipping toward the central side of the crown 6. (*See* corners of second projecting parts 8, 8 in Figs. 1-3 and corners of parts 13, 13 in Fig. 4).

**Kuhns Reference.** In the final Office Action, the examiner appeared to view the center projection 68 of Kuhns as the “second projecting parts” of instant claim 1, but clearly projection 68 does not meet the terms of the claim. It appears that the examiner’s reference to numerals 50, 52 might be a mistake, because these numerals relate to the bottom ends 50, 52 of the fastener 22. The examiner appears to view blade edge 54 as “the vicinity” of the “corner portion,” of Kuhns’ second projecting part 68.

In the Advisory Action, the examiner indicates in her comments and an attached appendix that, with reference to Kuhns’ Fig. 7, the examiner deems:

- A. the projection 58 of Kuhns (*see* Kuhns, Fig. 7 and col. 8 lines 48-51) to teach Applicant’s “first projecting parts” of claim 1;
- B. the projection 56 of Kuhns (*see* Kuhns, Fig. 7 and col. 8 lines 48-51) to teach Applicant’s “second projecting parts” of claim 1; and
- C. the projection 68 of Kuhns (*see* Kuhns, Fig. 7 and col. 8 lines 48-51) to teach Applicant’s “third projecting part” of claims 3-4.

-- As to Claim 1. Applicant respectfully submits that the features of claim 1 are not anticipated by Kuhns. First, it is noted that claim 1 sets forth the plural form of "first projecting parts," meaning that there are more than one of such parts. Kuhns' projection 58 is a single projection, not a pair. Further, claim 1 provides that such first projecting parts are "provided at opposite end portions of the blade edge and disposed to be in contact with each corner formed between the crown and each of the leg portions." Kuhns' projection 58 is a single projection, not a pair, and thus that projection 58 cannot be provided at opposite end portions of the blade edge and disposed to be in contact with each corner formed between the crown and each of the leg portions.

Similarly, it is noted that claim 1 also sets forth the plural form of "second projecting parts," meaning that there are more than one of such parts. Kuhns' projection 56 is a single projection, not a pair. Claim 1 further provides that the second projecting parts are "provided on the blade edge in vicinity of the first projecting parts and configured to be in contact with the crown in vicinity of the pair of leg portions. Kuhns' projection 56 is a single projection, not a pair, and thus that projection 56 cannot be provided in vicinity of the first projecting parts and configured to be in contact with the crown in vicinity of the pair of leg portions. In addition, claim 1 provides that "each of the second projecting parts has a corner portion disposed adjacent to the corner of the staple, which engages with the crown and is configured to prevent the corners of the leg portions from slipping toward a central side of the crown." Kuhns' projection 56 is a single projection, and so cannot read on "each of the second projecting parts" having corner portions disposed adjacent to their respective corners of the staple.

-- As to Claims 3-4. Because claims 3-4 depend from claim 1, Kuhns fails to anticipate claims 3-4 for the reasons set forth above with respect to claim 1.

Therefore, it is submitted that the Section 102(b) rejection on the basis of Kuhns should be reconsidered and withdrawn.

**Ohmae Reference.** Ohmae also fails to disclose or fairly suggest the features set forth in instant claim 1. In the final Office Action, Ohmae's first set of projecting parts 17, 19 are identified by the examiner as corresponding to the first projecting parts 7, 7 of the instant application. No adequate identification is made of a second set of projecting parts corresponding to the second projecting parts 8, 8 or 13, 13 of the instant claim. It appears that the examiner considered the center projecting part 18 of Ohmae to be the "second projecting parts" of the instant claim 1.

The examiner clarified this issue in the Advisory Action, wherein the examiner indicated in her comments and an attached appendix that, with reference to Ohmae's Fig. 4, the examiner deems Ohmae's end-positioned projection 19 to teach the "first projecting parts" of claim 1 herein, and deems Ohmae's center projection 18 to teach the "second projecting parts" of claim 1.

**-- As to Claim 1.** First, it is noted that claim 1 sets forth the plural form of "second projecting parts," meaning that there are more than one of such parts. Ohmae's center projection 18 is a single projection, not a pair. In addition, claim 1 provides that "each of the second projecting parts has a corner portion *disposed adjacent to the corner of the staple*, which engages with the crown and is configured to prevent the corners of the leg portions from slipping toward a central side of the crown." Ohmae's center projection 18 is a single projection, and so cannot read on "each of the second projecting parts" having corner portions disposed adjacent to their respective corners of the staple. Clearly, Ohmae's center projection 18 is not disposed so that its corner portion is disposed adjacent to the corner of the staple, because Ohmae's center projection 18 is a narrow crown-pressing member placed in the center of the blade edge of the driver 13, and is not in the vicinity of Ohmae's end-positioned projections 17, 19. Contrary to the terms of claim 1, Ohmae's projection 18 is not configured to be in contact with the crown "in vicinity of the pair of leg portions." Rather, Ohmae's projection 18 is configured to be in contact with the crown S<sub>3</sub> at a position in the middle of the driver 13. (Ohmae col. 2 lines 56-60). In fact, Ohmae specifies that:

The width  $W_1$  of the projected portion 18 in the middle is smaller than the interval  $P_1$  between inner sides of both leg portions  $S_3$ ,  $S_4$  of a staple  $S$ . [P]rojected portion 18 is not in contact with the upper surface of the bends  $S_1$ ,  $S_2$  that are the upper ends of both leg portions  $S_3$ ,  $S_4$  of the staple.

(Ohmae, col. 2 lines 62-67). This is contrary to the terms of claim 1, wherein the set of second projecting parts (8, 8 or 13, 13) is provided *in the vicinity of* the set of first projecting parts (7, 7 or 12, 12), and each of the second projecting parts (8, 8 or 13, 13) is configured to be in contact with the crown 6 *in vicinity of* the pair of leg portions 4, 4. (See Figs. 1-4). Further, Ohmae's projection 18 does not have a corner portion *disposed adjacent to the corner of the staple* and configured to prevent the corners of the leg portions from slipping toward a central side of the crown.

-- As to Claims 3-4. The examiner makes no finding of a third projecting part corresponding to the features claimed in claims 3-4 herein in the Advisory Action. Therefore, the claims are not anticipated by Ohmae, for the reasons set forth above, and in the Response to Final Office Action. The contents of the Response to Final Office Action are herein incorporated by reference.

Therefore, it is submitted that the Section 102(b) rejection on the basis of Ohmae should be reconsidered and withdrawn.

Conclusion. It is respectfully submitted that neither of the cited references, and none of the art of record, discloses or renders obvious the specific features of amended claim 1, as explained above.

Given that the amended claims clearly are not rendered unpatentable by the cited references, it is respectfully submitted that the rejections under Section 102(b) should now be withdrawn.

It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

**Extension Request and Deposit Account Authorization.** The Commissioner is hereby authorized to charge any required fees, or credit any overpayment, associated with this communication, including fees for any necessary extension of time under 37 CFR §1.136(a) for filling this communication, which extension is hereby requested, to our Deposit Account No. 50-0305 of Chapman and Cutler LLP.

Respectfully submitted,

By: 

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**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8**

Attorney Docket Number: 1716299  
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I hereby certify that the attached correspondence, namely: Request for Continued Examination, With Amendment and Remarks, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Brenda A. Walton

Date of Signature: September 21, 2006